

Minutes of Special and Regular Meeting of November 13, 2012
One Twin Pines Lane, Belmont, CA

**SPECIAL MEETING
CLOSED SESSION 7:05 P.M.**

A. Conference with Legal Counsel: Anticipated Litigation - Initiation of Litigation
pursuant to Government Code Section 54956.9 (c): One Case

Attended by: Councilmembers Wozniak, Braunstein, Feierbach, Lieberman, Warden (arr. 7:20 P.M.), City Manager Scoles, City Attorney Rennie, and Parks and Recreation Director Gervais. City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:25 P.M.

**Terri Cook
City Clerk**

This meeting was not tape recorded or videotaped

**REGULAR MEETING
CALL TO ORDER 7:35 P.M.**

ROLL CALL

COUNCILMEMBERS PRESENT: Wozniak, Feierbach, Lieberman, Braunstein, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Police Chief DeSmidt, Fire Chief Fry, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, Parks and Recreation Director Gervais, Deputy Finance Director Lazzari, Interim Information Services Manager Eggers, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Mayor Warden.

REPORT FROM CLOSED SESSION

City Attorney Rennie noted that direction to initiate an action. The action, the defendants, and the other particulars will be disclosed, once litigation is formally commenced, to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties or if disclosure at that time would jeopardize the City's ability to conclude settlement negotiations, if any.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Leigh Simpson, San Mateo resident, expressed his desire to preserve the San Juan Canyon. He requested information regarding the value of the City-owned properties, and suggested that residents be notified in advance of upcoming actions by the City Council.

Aileen Turner, Belmont resident, expressed concern regarding the rapid progression of the development of San Juan Canyon properties. She stated she is against any development and pointed out that options are available. She suggested suspending negotiations with a developer to explore other funding options. She requested that notification be made to adjacent property owners of any upcoming City Council discussions, and requested a meeting with staff and developers.

Kathleen Beasley, Belmont Library Manager, outlined upcoming holiday programs and noted the dates that the Library would be closed due to the holidays.

Perry Kennan, Belmont resident, stated that the City Council should ask tough questions. He thanked the City for fixing Lyall Way and noted that other roads need attention.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Wozniak noted that the Indian community was celebrating Dawali. She stated that she attended an event where Library Branch Manager Kathleen Beasley received a diversity award. She stated that information on the San Juan Canyon properties would be updated on the City's website.

City Manager Scoles noted that staff would be scheduling a meeting with the San Juan Canyon neighbors.

AGENDA AMENDMENTS

Mayor Warden noted that as outlined on tonight's agenda, the Public Hearing for South Bayside System Authority's (SBSA) sewer connection fee was cancelled and would be rescheduled to a future date.

City Clerk Cook noted that a member of the public requested the removal of Consent Item 8-C (One Year City Council Review of Belmont Tree Ordinance - Municipal Code Chapter 25) for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special and Regular City Council Meeting of October 9, 2012, Special Meeting of November 1, 2012

Motion to Receive Monthly Financial Reports

Approval of Resolution 2012-123 Authorizing Payment to Peterson Trucks for Engine Repairs to the Sewer Vactor Truck, Vehicle #236, for an Amount not to Exceed \$5,378.08

Approval of Resolution 2012-124 Authorizing Tree Work in the Sterling Downs Neighborhood by Bay Area Tree Company in the Amount of \$6,225 with a 10% Contingency of \$625

Approval of Resolution 2012-125 Approving New Class Specifications and Existing Salary Ranges for Building Attendant I/II, Recreation Specialist I/II and Nutrition Program Coordinator in the Parks and Recreation Department

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, the Consent agenda was unanimously approved, as amended, by a show of hands.

**ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE
CONSIDERATION**

One Year City Council Review of Belmont Tree Ordinance - Municipal Code Chapter 25

Christina Fonseca, Belmont resident, stated that permit fees for tree removal associated with property development are expensive. She pointed out that the ordinance does not discriminate on the type of trees being removed. She explained that the development of her property requires the removal of trees in poor condition, resulting in excessive tree removal fees. She recommended a review of the development permit portion of this ordinance.

Parks and Recreation Director Gervais outlined the changes made from the previous tree ordinance, and noted that the goal was to ensure replanting using native species. He stated that the new ordinance has been successful, permits have doubled, and all trees are being replaced. He pointed out that the public notification requirement has reduced the number of calls received by City staff of illegal tree removal.

Community Development Director de Melo stated that all tree species are governed by the new ordinance. He described the tree evaluation that is performed as part of development review, and noted that the evaluation does not take into consideration how much life is left in a tree that will be removed

Mayor Warden noted that the discussion during enactment of this ordinance focused on individual tree removal, not property development. He concurred that there may be some inequity in the fee structure.

Parks and Recreation Director Gervais stated that the Tree Board could consider potential changes to the ordinance.

Discussion ensued.

Councilmember Lieberman stated that there is a disconnection between individual tree removal and development fees.

Councilmember Wozniak stated that the replacement of biomass is important, and concurred with the need for more equity in the fees.

Councilmember Braunstein stated that a one-year review of this ordinance may not be long enough to address unintended consequences. He pointed out that the Tree Board has met only once.

Council concurred to review the fee schedule relative to tree removal fees.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Feierbach, the Report on One Year City Council Review of Belmont Tree Ordinance - Municipal Code Chapter 25 was unanimously accepted by a show of hands.

HEARINGS

Public Hearing of the City Council Adopting a Resolution Revising the Maximum Rate that may be charged for Solid Waste, Recyclable Materials, and Organic Materials Collection Services Effective January 1, 2013

Tom Gould, Solid Waste consultant, reviewed the City Council's discussion of September 25th regarding the new proposed rates for solid waste. He explained that fixed costs exist regardless of the size of the cart. He pointed out that the City Council deferred the migration costs during the previous year's rate-setting process. He noted that some migration continues to occur, and the deferral continues until 2016. He explained that those who migrated to a smaller cart size are paying less than they were during the final year of the Allied Waste franchise. He reviewed the details of the proposed rate increase and pointed out that the declining price of paper as a commodity could result in future impacts.

In response to Council questions, Public Works Director Oskoui explained that tipping fees are impacted by the price of commodities, and that other commodity prices have held steady.

Mayor Warden opened the Public Hearing.

Jeff Margolis, Belmont resident, expressed concern regarding the wear and tear on the roads by the Recology trucks.

Public Works Director Oskoui clarified that Recology pays the City approximately \$100,000 annually to address wear and tear on the roads, and for street sweeping.

Gladwyn D'Souza, Belmont resident, noted that the trucks have impacts other than the roads. He stated that the trucks have a low fuel economy, and impact air emissions due to frequent stops and starts.

Sean Brennan, Belmont resident, stated that trash rates have increased twice this year and noted that Recology is making a profit.

William Sangervasi, Belmont resident, stated that he is paying more for trash service than he did under the Allied franchise. He noted that Recology eliminated jobs and is not providing credit for recycling. He recommended using the recycling monies to offset the increase.

Perry Kennan, Belmont resident, expressed concerns about pushing current costs into the future.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, the Public Hearing was unanimously closed by a show of hands.

In response to Councilmember Feierbach, Public Works Director Oskoui clarified that the City has an obligation to pay Recology under the franchise agreement. He explained that adjusting services would be problematic.

Councilmember Feierbach noted that Allied Waste's bid was higher than Recology's.

Councilmember Lieberman described the franchise agreement's components and rate structure. He noted that the new rates included a small consumer price index increase, and that the biggest issue is the migration of carts. He pointed out that the smaller cart costs less than under Allied's franchise agreement, and that a portion of the 29 percent increase proposed last year was deferred.

Discussion ensued regarding components of the cost increase.

Mayor Warden stated that he supports cart migration since it results in less trash going to the landfill. He noted that it also results in less revenue. He pointed out that the City and Recology renegotiated the franchise agreement in order to spread costs, and concurs with the need to pay Recology.

In response to Councilmember Wozniak, Public Works Director Oskoui explained that reduced tonnage results in reduced tipping fees. He pointed out that there are fixed fees for services provided.

Councilmember Wozniak noted that some residents do not put all three carts out each week and suggested reducing service for those who do not need it. Public Works Director Oskoui clarified that this reduction would not change fixed costs. He stated that the City could address this issue if it affects an entire neighborhood or route.

Discussion ensued regarding reduction of services.

Mayor Warden pointed out that people support weekly recycling and composting services.

City Clerk Cook noted that 62 letters of protest were received.

Discussion ensued regarding communication with those who protested.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Lieberman Resolution 2012-126 Adopting a Resolution Revising the Maximum Rate that may be charged for Solid Waste, Recyclable Materials, and Organic Materials Collection Services Effective January 1, 2013 was unanimously approved by a show of hands, amended to reflect a 13.84% increase.

Public Hearing of the City Council to Consider a Resolution to Adjust the South Bay System Authority (SBSA) Component of the Sewer Service Connection Fee
This Public Hearing was cancelled.

OTHER BUSINESS

Update on South Bay System Authority (SBSA) Capital Improvement Program and Discussion and Direction on Siting for the New Belmont Pump Station

Public Works Director Oskoui stated that 122 of 144 projects is under way or has been completed as part of South Bay System Authority's (SBSA's) capital improvement program. He noted that the Belmont Pump Station needs to be rebuilt at a new location.

Dan Child, SBSA General Manager, described the system's conveyance system, and pointed out that it is experiencing more leaks as it ages. He reviewed the Capital Improvement Program's cost allocation methodology, and noted that it would be amended between the agencies. He explained that since the new system will have more capacity, the existing pump station will not have the ability to handle the new pressure. He stated that the only locations being considered are in the light industrial area, and that the existing location is not big enough to accommodate the rebuilt station. He pointed out that most components are under ground.

Councilmember Feierbach stated that aesthetics are important.

Councilmember Braunstein recommended that SBSA staff work with City staff so that future economic development areas are not affected.

Councilmember Lieberman stated that SBSA member cities have historically maintained their own pump stations, and that SBSA might consider taking over that responsibility in the future.

Discussion ensued regarding the logistics of the land acquisition. SBSA General Manager Child stated that SBSA would take the primary lead in the land acquisition.

(At this time, being 9:45 p.m., Councilmember Feierbach left the meeting.)

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Report from Audit Committee Regarding Annual Financial Report for Fiscal Year ending June 30, 2012

City Treasurer Violet outlined the review of the Annual Financial Reports by the Audit Committee and explained that no concerns were raised. He pointed out that the outside auditor issued an unqualified opinion, which is the highest rating available. He noted that a footnote has been added to the Financial Reports regarding the dissolution of the Redevelopment Agency. He responded to concerns raised by Mr. Kennan at the Audit Committee meeting and clarified that AB340 affects new hires beginning in January, 2013, with regard to pension costs. He explained that the data regarding fire and public safety were checked and verified.

City Treasurer Violet explained an accounts receivable document retention issue from 2000-01 that was discovered as a result of the dissolution of the Redevelopment Agency. He stated that staff has taken corrective measures to ensure that this issue does not happen again in the future.

Perry Kennan, Belmont resident, took issue with terminology used in the report regarding future retiree and future employee. He expressed concerns regarding the amortization schedule and recommended that the City Council not receive the reports until issues are resolved.

Finance Director Fil described the PERS (Public Employment Retirement System) analysis of the amortization schedule. He pointed out that it is difficult to track year to year as it is a stand-alone document, and that PERS is two years in arrears. He described the components of the PERS pool, and that the City is paying off the existing side fund obligation. He stated that the pooled portion will present a challenge, and that PERS rates will increase in the future.

Discussion ensued regarding the affects of AB 340. Finance Director Fil stated that the footnote was added just after AB 340 was signed into law.

Discussion ensued regarding other cities' Financial Statement reporting.

City Treasurer Violet commented regarding the improved quality of Belmont's Financial Reports over the past three years.

Councilmember Wozniak pointed out that the City of Belmont has implemented conservative pension plans which will help to hold down liabilities. Finance Director Fil concurred that the two-tier system will have a positive effect.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, the Annual Financial Report for Fiscal Year ending June 30, 2012 was unanimously accepted by a show of hands (4-0, Feierbach absent).

Discussion and Direction Regarding Parks and Recreation Commission Vacancy

City Clerk Cook outlined the options for Council's consideration regarding the vacancy that exists on the Parks and Recreation Commission due to the resignation of Commissioner Cheechov. She clarified that the term would be expiring in March of 2013. She noted that one of the commissioners not appointed during the last recruitment period has offered to be appointed.

Kevin Sullivan, Parks and Recreation Commission Chair, stated that the new commissioners appointed this year have led to an energetic commission. He recommended leaving the position vacant until the next cycle. He stated that he would like to have a future discussion regarding the role of the youth commissioners.

Councilmembers Wozniak and Lieberman expressed support for leaving the position vacant.

Councilmember Braunstein stated that he would not support an open recruitment, and pointed out that former Commissioner Judy King would bring experience to the Commission.

Mayor Warden suggested leaving the position open and pointed out that Ms. King could reapply during the next application cycle.

MEETING EXTENSION: at this time, being 10:30 p.m. on a motion by Councilmember Wozniak, seconded by Mayor Warden, and unanimously approved by a show of hands to extend the meeting by 30 minutes (4-0, Feierbach absent).

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Braunstein noted that a City-School District 2+2 meeting was held recently, and it would meet again in January. He noted that topics discussed included traffic, the School District's financial situation, and communication between the two agencies.

Councilmember Lieberman explained that the School Board and District staff acknowledged that traffic issues exist at the schools and they expressed a desire to address the situation. He noted that the School District also acknowledged that it experienced communication issues regarding the construction projects.

Discussion ensued regarding the 2+2 meeting schedule, and the potential for scheduling a joint meeting.

Verbal Report from City Manager

City Manager Scoles noted that the new labor agreements with the fire unions would result in significant savings to the City of Belmont. He noted the Council of Cities to be held in Half Moon Bay on November 16th. He announced an upcoming movie event at the Belmont Library related to single-use bags. He stated that the annual Craft Faire would be held November 17th and 18th. He stated that nominations were being accepted for the Beautiful Belmont Awards, which will be presented at the December 11th Council meeting. He stated that sand bags are available at the Corporation Yard and at Fire Station 15. He described the upcoming Breakfast Forum on downtown and the Grand Boulevard that was being funded by a grant from Sam Trans.

PUBLIC COMMENTS AND ANNOUNCEMENTS

George Burgess, Belmont Chamber of Commerce, expressed concerns regarding the unfunded liabilities for both the Fire Department and the City of Belmont. He announced an upcoming distinguished speaker series at Notre Dame de Namur University. He pointed out the large amount of trash he observed along Ralston Avenue.

Sean Brennan, Belmont resident, expressed concerns regarding the potential for an explosion similar to the one experienced in San Bruno in 2010. He questioned whether the City of Belmont knew where all of the transmission lines were located.

Perry Kennan, Belmont resident, spoke regarding the Bishop Road subdivision, and noted that a vacant lot recently sold for \$550,000. He pointed out that government should not be involved in development. He stated that taxpayers should be aware of unfunded liabilities.

ADJOURNMENT at this time, being 10:50 P.M.

Terri Cook
City Clerk

Meeting audio-recorded and videotaped.